



JAMES A. NOYES, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
www.ladpw.org

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE  
REFER TO FILE: **T-5**

February 13, 2003

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

Dear Supervisors:

**STREET LIGHTING DISTRICTS  
ANNEXATIONS AND LEVYING OF ASSESSMENTS FOR  
COUNTY LIGHTING MAINTENANCE DISTRICT 1616B AND  
COUNTY LIGHTING DISTRICT LLA-1, PALMDALE ZONE B,  
TRACT 46138 AND TRACT 46139  
SUPERVISORIAL DISTRICT 5  
3 VOTES**

**IT IS RECOMMENDED THAT YOUR BOARD:**

1. Adopt the enclosed Resolution of Intention to Annex Subdivision Territories to County Lighting Maintenance District 1616B and County Lighting District LLA-1, Palmdale Zone B, and to Order the Levying of Assessments within Annexed Subdivision Territories listed in the enclosed Appendix A for Fiscal Year 2003-04.
2. Set a date for a public hearing regarding the proposed annexation of Subdivision Territories and levying of annual assessments based on the Fiscal Year 2002-03 Annual Engineer's Report, which establishes assessments based on land-use type for all zones within County Lighting District LLA-1 for street lighting purposes, with a base annual assessment rate of \$70 for a single-family home in Palmdale Zone B.
3. Instruct the Executive Officer of your Board to cause notice of the public hearing by mail, at least 45 days prior to the date of hearing. The mailed notice will include assessment ballots.

**AFTER THE PUBLIC HEARING, IT IS RECOMMENDED THAT YOUR BOARD:**

1. Authorize the tabulation of assessment ballots submitted, and not withdrawn, in support of or in opposition to the proposed assessments for each subdivision territory, and determine whether a majority protest against the proposed assessment exists in each territory.
2. If there is no majority protest against the proposed assessments, adopt the enclosed Resolution Ordering Annexation to County Lighting Maintenance District 1616B and County Lighting District LLA-1, Palmdale Zone B, either as proposed or as modified by your Board. The adoption of the Resolution Ordering Annexation will constitute the levying of assessments in Fiscal Year 2003-04.
3. Find that the annexations, assessments, and property tax revenues are to meet operating expenses; purchase supplies, equipment, or materials; meet financial reserve needs and requirements; and obtain funds for capital projects, including the operation and maintenance of street lights necessary to maintain service within the proposed annexation areas.
4. Instruct the Executive Officer of your Board to file copies of the enclosed Resolutions with the County Assessor, Ownership Services Section, and Auditor-Controller, Tax Section.
5. In those subdivision territories where the proposed annexation and levying of assessments have been rejected, and a majority protest exists, make a finding terminating the annexation and levy of assessments proceedings for that subdivision territory.

**PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

On January 14, 2003, your Board held a public hearing to consider the annexation of seven subdivision territories into County Lighting Maintenance District 1616B and County Lighting District LLA-1, Palmdale Zone B, and the levy of assessments upon each lot or parcel within the territories. After the public hearing, the Executive Officer tallied the ballots received and determined that a majority protest existed in the two subdivision areas listed in Appendix B in accordance with Proposition 218 procedures. Due to numerous requests from property owners within these subdivisions, we recommend proceeding with renoting and reballoting for the annexation of the subdivision areas and levy of the assessment.

The recommended actions are for your Board to approve the Resolution of Intention for the Annex of the Subdivision Territories listed in Appendix A into County Lighting Maintenance District 1616B and County Lighting District LLA-1, Palmdale Zone B, and for the proposed levy of assessments on each lot or parcel lying within the subject subdivision territories, based on a \$70 base rate assessment for a single-family home, in Fiscal Year 2003-04.

The City of Palmdale's Municipal Code requires the installation of a street lighting system by a subdivider. The proposed annexation and levy of assessments are required to provide the necessary funding for the future operation and maintenance of the street lights.

### **Implementation of Strategic Plan Goals**

This action is consistent with the County Strategic Plan Goal of Fiscal Responsibility as this annexation, levy of assessment, and property tax transfer provides the funding necessary for the operation of new street lighting facilities within these annexed subdivision territories. It also satisfies the Goal of Service Excellence since street lighting provides for the convenience and safety of the motoring public, as well as for the safety and security of people and property, which improves the quality of life in the County and in the City of Palmdale.

### **FISCAL IMPACT/FINANCING**

Your Board's approval of the annexation and levy of assessments will result in the operational expenses of the street lights located within the proposed annexation areas to be paid for by County Lighting Maintenance District 1616B and County Lighting District LLA-1, Palmdale Zone B. If the annexation and levy of assessments are approved, financing for the operational expenses of the street lights in Fiscal Year 2002-03 will be financed by Highways-through-Cities funding included in the Fiscal Year 2002-03 Road Fund Budget. Assessment revenues collected from the benefitted properties within the proposed annexation areas, will fund the operational expenses of the street lights in Fiscal Year 2003-04. Subject to subsequent approval of your Board at the appropriate time, for Fiscal Year 2004-05 and beyond, the operational expenses of the street lights will be fully funded by assessment revenues, augmented by a small portion of property taxes collected from benefitted parcels.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

New developments are typically required to provide street lighting in accordance with applicable subdivision and planning and zoning ordinances as a condition of approval. The County Lighting Maintenance Districts, formed pursuant to the Streets and Highways Code, Improvement Act of 1911, permits the County Lighting Maintenance Districts to collect ad valorem property taxes for the purpose of funding the ongoing operation and maintenance of street lighting facilities within the District. The County Lighting District LLA-1, formed pursuant to the Streets and Highways Code, Landscaping and Lighting Act of 1972, permits the County Lighting District LLA-1 to levy an assessment against benefitted property owners for the purpose of providing supplemental funding for the ongoing operation and maintenance of street lighting facilities within the District.

With the passage of Proposition 218 (State Constitution, Articles XIIC and XIID) in November 1996, it became necessary to ballot the property owners prior to imposing or increasing a street lighting assessment for the operation and maintenance costs of the street lights. As a result, the legal provisions of the Landscaping and Lighting Act and Proposition 218 now govern the process for establishing street lighting assessments.

The Landscaping and Lighting Act of 1972 provide for the assessment of street lighting costs against the benefitted properties within County Lighting District LLA-1 by any formula or method which fairly distributes the costs among all assessable lots or parcels in proportion to the estimated benefits to be received by each from the improvements. A method of distributing the street lighting costs on the basis of land use was approved by your Board on May 22, 1979, and amended on July 22, 1997, and that same method was used to compute the base-rate assessment shown in the Fiscal Year 2002-03 Annual Engineer's Report

Pursuant to the requirements of Proposition 218, and Section 53753 of the Government Code, an assessment ballot and public hearing notice will be mailed to property owners within each proposed annexation area no less than 45 days prior to the public hearing.

The assessment ballots, weighted according to the amount of the assessment paid by each property owner, will be tabulated at the conclusion of the public hearing. Only those ballots that are returned will be counted to establish whether a majority protest exists under the provisions of Proposition 218. The assessment cannot be levied if the weighted majority of ballots submitted are opposed to the assessment, in which case, the assessment shall be abandoned and the annexation proceedings terminated. Failure to annex the territory and levy assessments will result in the inability to operate and maintain the street lights as part of a County-administered Lighting District, and the responsibility for the operational expenses of the street lights will remain with the developer and/or property owners.

Proposition 218 requires that a public hearing be held at a regular Board meeting. The enclosed Resolution of Intention to Annex Subdivision Territories, and the Resolution Ordering Annexation of Subdivision Territories and Levying of Assessments, must be adopted to set a date for the public hearing. Your Board may delay your determination regarding the levying of assessments until a later date, continue the public hearing to receive further testimony, or make a determination regarding the assessment at the close of the public hearing.

Subsequent to your Board's approval of the Resolution Ordering Annexation of Subdivision Territories and Levying of Assessments, Public Works will proceed with the processing of a Joint Resolution for the Negotiated Exchange of Property Tax Revenues between the City of Palmdale and other affected taxing agencies.

The City of Palmdale has executed a Resolution Granting Consent and Jurisdiction to the County in the matter of annexation and to the assessments thereof and is on file with Public Works.

The boundaries of the proposed annexations have been reviewed and approved by Public Works and the County Assessor in accordance with the requirements of Section 58850 et seq. of the Government Code. Copies of diagrams showing the boundaries of each proposed subdivision annexation territory are included with the Resolution of Intention to Annex Subdivision Territories. The specific detailed legal description for each territory is on file with Public Works.

The Honorable Board of Supervisors  
February 13, 2003  
Page 6

The Streets and Highways Code (Sections 5821.3 and 22608.2) provides that a territory owned by a subdivider may be annexed to a Lighting District if so provided by ordinance, without notice and hearing, or filing of an Engineer's Report. The posting and publishing requirements and filing of an Engineer's Report for these subdivision projects are, therefore, dispensed with.

The enclosed Resolutions have been approved as to form by County Counsel.

**ENVIRONMENTAL DOCUMENTATION**

This project is exempt from the California Environmental Quality Act under Section 21080(b)(8) of the Public Resources Code and Class 1(X)27 of the County's Environmental Document Reporting Procedures and Guidelines approved by your Board.

**IMPACT ON CURRENT SERVICES (OR PROJECTS)**

None

**CONCLUSION**

At such time as these recommendations may be approved, please return one approved copy of this letter and the signed Resolutions to Public Works and one approved copy of the letter and Resolutions to the County Assessor, Ownership Services Section, and Auditor-Controller, Tax Section.

Respectfully submitted,

JAMES A. NOYES  
Director of Public Works

JPH:kw  
E:\annex.subdivisionprojects.1616B.reballot.wpd

Enc.

cc: Chief Administrative Office  
County Counsel

**COUNTY OF LOS ANGELES BOARD OF SUPERVISORS  
RESOLUTION OF INTENTION  
TO ANNEX SUBDIVISION TERRITORIES TO  
COUNTY LIGHTING MAINTENANCE DISTRICT 1616B  
AND COUNTY LIGHTING DISTRICT LLA-1, PALMDALE ZONE B,  
AND TO ORDER THE LEVYING OF ASSESSMENTS  
WITHIN THE ANNEXED SUBDIVISION TERRITORIES FOR  
FISCAL YEAR 2003-04**

WHEREAS, on July 24, 1979, the Board of Supervisors of the County of Los Angeles approved the formation of County Lighting District LLA-1 to provide supplemental funds for the operation of street lights in County-administered Lighting Districts; and

WHEREAS, the Board of Supervisors has adopted the Fiscal Year 2002-03 Annual Engineer's Report for County Lighting District LLA-1 that shows estimated operating costs and recommended assessments for each zone within County Lighting District LLA-1; and

WHEREAS, the Improvement Act of 1911 (Section 5821.3 of the Streets and Highways Code) provides that a territory owned by a subdivider may be annexed to a Lighting District if so provided by ordinance, without notice, or hearing; and

WHEREAS, the Landscape and Lighting Act of 1972 (Section 22608.2 of the Streets and Highways Code) provides that in the event an ordinance requires installation of improvements by a subdivider, the territory may be annexed to an existing Lighting District without notice and hearing or filing of an Engineer's Report or both; and

WHEREAS, the City of Palmdale's Municipal Code requires the installation of a street lighting system by each subdivider for the subdivisions referenced in Appendix A; and

WHEREAS, the City of Palmdale has granted the County of Los Angeles consent and jurisdiction in all matters relating to the annexation of subdivision territories listed in Appendix A to County Lighting Maintenance District 1616B and County Lighting District LLA-1, Palmdale Zone B.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the County of Los Angeles, State of California, that:

SECTION 1. The public interest and convenience require, and it is the intention of the Board of Supervisors to authorize the annexation of the benefitted subdivision territories listed in Appendix A to County Lighting Maintenance District 1616B, pursuant to Section 5837 of the Streets and Highways Code of the State of California.

SECTION 2. The public interest and convenience require, and it is the intention of the Board of Supervisors to authorize the annexation of these benefitted subdivision territories listed in Appendix A, to County Lighting District LLA-1, Palmdale Zone B, pursuant to Section 22605 of the Streets and Highways Code of the State of California.

SECTION 3. The public interest and convenience require, and it is the intention of the Board of Supervisors to order, the expense necessary for the operation, maintenance, repairs, replacement, electric current, care, supervision, and all other items necessary for proper operation and maintenance of street lights in these proposed annexation territories, and located in County Lighting District LLA-1, Palmdale Zone B, shall be assessed in Fiscal Year 2003-04 upon each lot or parcel of land lying within the annexed territories in proportion to the benefits received from the street lighting improvements, and which should be assessed to pay the expenses of the operation and maintenance of said improvements. The proposed base rate assessment of \$70 for a single-family home is based on the amended Fiscal Year 2002-03 Annual Engineer's Report for County Lighting District LLA-1, Palmdale Zone, which establishes assessments based on land-use type for Palmdale Zone B for street lighting purposes. In future years, the amount of these assessments may be automatically increased by no more than the Consumer Price Index - All Urban Consumers for Los Angeles-Riverside-Orange County, and other California areas, provided by the U.S. Department of Labor, without further notice or ballot. However, assessment rates will not be automatically increased due to any other unforeseen or extraordinary rate increase granted to the Southern California Edison Company by the Public Utilities Commission.

SECTION 4. The boundary of the territories proposed to be annexed consists of the areas shown on the following maps:



SECTION 5. The proposed assessment is subject to majority approval of the property owners. A ballot and public hearing notice will be sent to all property owners within the area proposed for annexation at least 45 days before of the public hearing scheduled for \_\_\_\_\_. The ballots will be weighted by the amount of assessment to be paid by each property owner. The subdivision territories will not be annexed, and the proposed assessment for that subdivision will be abandoned, if the weighted majority of ballots submitted are opposed to the assessment.

SECTION 6. The amounts to be assessed for the expense of such operation and maintenance of the work or improvements described above shall be levied and collected in the same manner and by the same officers as taxes for County purposes.

SECTION 7. Proceedings for the levying of assessments shall be taken under and in accordance with the Landscaping and Lighting Act of 1972 (Division 15, Part 2, of the Streets and Highways Code), Article XIID of the California Constitution, and Section 53753 of the Government Code.

SECTION 8. On Tuesday, \_\_\_\_\_, at 9:30 a.m., is the day and hour, at the Chambers of the Board of Supervisors of the County of Los Angeles, Room 381B, Kenneth Hahn Hall of Administration, 500 West Temple Street (corner of Temple Street at Grand Avenue), Los Angeles, California, 90012, the place fixed by said Board of Supervisors when and where any and all interested persons may hear the proposal and be heard regarding the proposed street lighting assessments in the subdivision territories proposed for annexation to County Lighting District LLA-1.

The foregoing Resolution was on the \_\_\_\_ day of \_\_\_\_\_, 2003, adopted by the Board of Supervisors of the County of Los Angeles and ex-officio of the governing body of all other special assessment and taxing Districts, agencies, and authorities for which said Board so acts.

VIOLET VARONA-LUKENS  
Executive Officer of the  
Board of Supervisors of the  
County of Los Angeles

By \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:

LLOYD W. PELLMAN  
County Counsel

By \_\_\_\_\_  
Deputy

**COUNTY OF LOS ANGELES BOARD OF SUPERVISORS  
RESOLUTION ORDERING ANNEXATION  
OF SUBDIVISION TERRITORIES TO  
COUNTY LIGHTING MAINTENANCE DISTRICT 1616B  
AND COUNTY LIGHTING DISTRICT LLA-1, PALMDALE ZONE B,  
AND LEVYING OF ASSESSMENTS  
WITHIN THE ANNEXED SUBDIVISION TERRITORIES FOR  
FISCAL YEAR 2003-04**

WHEREAS, the Board of Supervisors on \_\_\_\_\_, adopted a Resolution of Intention to Annex Subdivision Territories shown in the enclosed Appendix A to County Lighting Maintenance District 1616B and County Lighting District LLA-1, Palmdale Zone B, and to order the levying of assessments within the subdivision territories to provide funds for the operation of street lights in the annexed subdivision territories, pursuant to provisions of the Improvement Act of 1911 and the Landscape and Lighting Act of 1972; and

WHEREAS, the Executive Officer of the Board of Supervisors caused the notice of public hearing to be mailed to all property owners within the territory subject to the proposed annexation and levying of assessment at least 45 days prior to the date set for the hearing; and

WHEREAS, Public Works has mailed an assessment ballot and a notice to property owners of identified parcels within the subdivision territories proposed for annexation, pursuant to Article XIID of the California Constitution, and Section 53753 of the Government Code, to indicate support of or opposition to the matter of an assessment; and

WHEREAS, said Board of Supervisors has heard all testimony and evidence with regard to the annexation and levying of assessments, has tabulated all returned assessment ballots concerning the proposed assessment for subdivisions territories shown in the Appendix A, and has made a determination on whether a majority protest exists.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the County of Los Angeles that:

SECTION 1. The Board of Supervisors hereby finds that the public interest and convenience require the operation and maintenance of street lighting improvements within the subdivision territories proposed for annexation to County Lighting District LLA-1, Palmdale Zone B, provided that no majority protest exists within a proposed annexation area.

SECTION 2. The Board of Supervisors hereby authorizes the annexation of these Subdivision Territories to County Lighting Maintenance District 1616B and to County Lighting District LLA-1, Palmdale Zone B, with the exception of those proposed annexation territories where a majority protest exists.

SECTION 3. The Board of Supervisors hereby determines the territories identified will be benefitted by the annexation to County Lighting Maintenance District 1616B and County Lighting District LLA-1, Palmdale Zone B, and hereby authorizes the boundaries of said Lighting District be altered to include said benefitted territories and zone.

SECTION 4. The Lighting District assessments, as set forth in the Fiscal Year 2002-03 Annual Engineer's Report for County Lighting District LLA-1, Palmdale Zone B, are hereby approved, confirmed, and adopted by this Board for all parcels of land within subdivision territories shown in Appendix A as proposed, or as modified, by this Board.

SECTION 5. The adoption of this Resolution constitutes the levying of assessments for all lots or parcels within those subdivision areas annexed to County Lighting District LLA-1 for the Fiscal Year commencing July 1, 2003, and ending June 30, 2004.

SECTION 6. The amounts to be assessed for the expense of the operation, maintenance and service, as described in said Report and Resolution, shall be levied and collected in the same manner and by the same officers as taxes for County purposes and shall be disbursed and expended for operation, maintenance, and service of said Lighting District, all as described in the Resolution of Intention.

SECTION 7. The Executive Officer of the Board of Supervisors is hereby authorized and directed to file a certified copy of these Resolutions upon their adoption with the County Assessor, Ownership Services Section, and County Auditor-Controller, Tax Section.

The foregoing Resolution was on the \_\_\_\_ day of \_\_\_\_\_, 2003, adopted by the Board of Supervisors of the County of Los Angeles, and ex-officio of the governing body of all other special assessment and taxing Districts, agencies, and authorities for which said Board so acts.

VIOLET VARONA-LUKENS  
Executive Officer of the  
Board of Supervisors of the  
County of Los Angeles

By \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:

LLOYD W. PELLMAN  
County Counsel

By \_\_\_\_\_  
Deputy